

**FINAL ORDER**

**DATE** 08/31/2010

IN THE MATTER OF:

Michael Leslie Spaner,

Applicant.

BEFORE THE MARYLAND

COMMISSIONER OF

FINANCIAL REGULATION

Case No.: DLR-CFR-76B-10-10448

**PROPOSED ORDER**


The Proposed Decision of the Administrative Law Judge in the captioned case having been considered in its entirety, it is **ORDERED** by the Commissioner of Financial Regulation (the "Commissioner") this 27 day of July, 2010 that the Proposed Decision shall be and hereby is adopted as a Proposed Order.

Pursuant to COMAR 09.01.03.09, Applicant has the right to file exceptions to the Proposed Order and present arguments to the Commissioner. Applicant has twenty (20) days from the postmark date of this Proposed Order to file exceptions with the Commissioner. COMAR 09.01.03.09A(1). The date of filing exceptions with the Commissioner is the date of personal delivery to the Commissioner or the postmark date on mailed exceptions. COMAR 09.01.03.09A(2).

Unless written exceptions are filed within the twenty (20)-day deadline noted above, this Order shall be deemed to be the final decision of the Commissioner.

COMMISSIONER OF FINANCIAL REGULATION

By:

  
Mark Kaufman

Deputy Commissioner of Financial Regulation

MICHAEL LESLIE SPANER,

APPLICANT

v.

COMMISSIONER OF FINANCIAL

REGULATION

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BEFORE LAURIE BENNETT,

AN ADMINISTRATIVE LAW JUDGE

OF THE MARYLAND OFFICE OF

ADMINISTRATIVE HEARINGS

OAH CASE No: DLR-CFR-76B-10-10448

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RECOMMENDED DEFAULT ORDER

On January 15, 2010, the Maryland Commissioner of Financial Regulation (CFR), Department of Labor, Licensing and Regulation, denied the Applicant's application to renew his mortgage originator's license. On February 12, 2010, the Applicant filed an appeal. On March 17, 2010, the CFR referred the matter to the Office of Administrative Hearings (OAH) for a hearing and to issue proposed findings of fact and conclusions of law, and a recommended order.

By letter dated April 19, 2010, the OAH mailed a Notice of Hearing to the Applicant via certified and regular first class mail to his last address of record, scheduling a hearing for Wednesday, May 26, 2010, at 9:30 a.m., at the OAH, 11101 Gilroy Road, Hunt Valley, Maryland and advising the Applicant that his failure to appear may result in an adverse decision. On April 20, 2010, "M. Spaner" signed for the certified mail. The U. S. Postal Service did not return the regular first class mail letter to the OAH. The OAH did not receive a request for postponement from the Applicant.

I convened a hearing on May 26, 2010, at the OAH in Hunt Valley, Maryland. Md. Code Ann., Fin. Inst. § 11-608(c) (Supp. 2009). Kris King, Assistant Attorney General, represented the CFR. The Applicant failed to appear. As a result, the Commissioner moved for default and, in support, introduced the following exhibits, which I admitted into evidence

1. Hearing Notice, April 19, 2010; United States Postal Service certified mail green card, dated April 20, 2010, signed by "M. Spaner"
2. Appeal, dated February 4, 2010 and stamped received by the CFR on February 4, 2010
3. Letter, dated January 15, 2010, from the CFR denying the Applicant's application for renewal of his mortgage originator's license
4. Licensing history
5. Letter, dated November 20, 2009, from the Applicant, explaining his criminal and educational history
6. Individual Snapshot (i.e. online application for a mortgage originator's license), dated December 28, 2009

The Applicant bears the burden of proving, by a preponderance of the evidence, his entitlement to the license. COMAR 09.01.02.16B. Because the Applicant failed to appear after proper notice, I **RECOMMEND** that the Maryland Commissioner of Financial Regulation issue a Default Order noting the following:

1. Michael Leslie Spaner is in default; and
2. The CFR' denial of the Applicant's application for renewal of his mortgage originator's license is upheld; and
3. All further proceedings in the captioned matter are **TERMINATED**, and a disposition of **DISMISSAL** is entered in this case, pursuant to COMAR 28.02.01.20A; and
4. In accordance with COMAR 09.01.03.09A and 28.02.01.20C, Michael Leslie Spaner or his representative may file with the Commissioner of Financial Regulation

written exceptions within twenty days from the postmark date of the Default Order. Any such exceptions must state the grounds for the request to modify or vacate the Default Order.

May 27, 2010  
Date Decision Mailed

Laurie Bennett /mer  
Laurie Bennett  
Administrative Law Judge

LB/  
#114225